

1 Q. During this 1997 period.

2 A. Anybody else. I don't recall a conversation  
3 with anybody else.

4 Q. Your offer letter set forth the terms and  
5 conditions of your employment with CSC?

6 A. Okay.

7 Q. Is that right?

8 A. Was that a question?

9 Q. Yes.

10 A. That's my understanding.

11 Q. The offer letter didn't say anything about a  
12 bonus plan, correct?

13 A. I do not recall anything mentioned about that.

14 Q. So that is correct?

15 A. It could have said you are not eligible for the  
16 bonus plan. I don't recall it saying anything.

17 (Deposition Exhibit No. 39 was marked for  
18 identification.)

19 BY MR. SEEGULL:

20 Q. Mr. Folwell, I'm now showing you what has been  
21 marked as Exhibit 39. Is this the offer letter you  
22 received for transitioning from DuPont to CSC?

23 A. It appears to be.

24 Q. You received this in March of '97?



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1 A. Okay.

2 Q. Is that right?

3 A. I don't know what day it arrived in my hand. I  
4 see the date at the top of the page.

5 Q. You signed it on March 27th, 1997, correct?

6 A. Okay.

7 Q. Is that right?

8 A. That's my signature.

9 Q. That's the date you signed it?

10 A. Correct.

11 Q. You did receive it in March of '97?

12 A. They could have handed me this in February.

13 All I can tell you is that's my signature on March 27th.

14 Q. That's the day you signed it?

15 A. That's correct. I don't know the day I  
16 received it.

17 Q. Do you have any reason to believe it was not in  
18 March of '97?

19 A. No.

20 Q. Just to review the letter and tell me, does it  
21 say anything about any bonus plan at CSC?

22 A. I don't see anything that says anything about a  
23 bonus program.

24 Q. Do you have any documentation that you would



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1 claim supports your right to an AMIP plan or AMIP  
2 eligibility or an AMIP bonus?

3 A. I don't know what the word "right" means.

4 Q. Do you have any documentation at all that talks  
5 about AMIP?

6 A. I have a book that CSC gave me about all the  
7 benefits and compensation programs. So I might have  
8 something in there.

9 Q. So was it a Chemical guide, Chemical employees  
10 guide?

11 A. That sounds familiar.

12 Q. That talked not simply about the bonus, but it  
13 talked about all kinds of compensation, including the  
14 bonus plan?

15 A. Yes.

16 Q. Is that the kind of thing that would have been  
17 given to you each year?

18 A. I recall receiving it once. I don't recall  
19 receiving any other copies since then.

20 Q. When did you receive that?

21 A. As part of meetings about the transition.

22 These are various documents we received. I put them all  
23 in a binder.

24 Q. Do you still have that binder?



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1 A. Yes.

2 MR. SEEGULL: I don't believe that binder's  
3 been produced. We would ask for that to be produced, as  
4 well. Will you produce that?

5 MR. WILSON: I don't know if it's been  
6 produced or not. I'll have to check.

7 MR. SEEGULL: If it's not been produced,  
8 will you produce it?

9 MR. WILSON: I'll look at it and if it's  
10 responsive, I'll produce it.

11 BY MR. SEEGULL:

12 Q. Where is that binder?

13 A. At home.

14 Q. Let me take a step back for a moment. I  
15 understand you were provided documents at the time of  
16 your transition, as you've just described. Were you also  
17 provided documentation during the course of your  
18 employment related to the handbook and policies and  
19 procedures?

20 A. I believe I have received e-mails that tell me  
21 where to go on the Internet to read those documents. I  
22 don't think I received paper anymore.

23 Q. So it's your understanding that, during the  
24 course of your employment, documentation regarding



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1 compensation, policies, handbooks, and procedures are  
2 posted on an intranet?

3 A. Correct.

4 Q. Not the Internet but the intranet or is it the  
5 same thing?

6 A. I haven't cared. I type it in, I get there.  
7 What they want to call it I don't care.

8 Q. What you're saying is that -- is it Human  
9 Resources people that send you e-mails?

10 A. I believe I go to the library and get to this  
11 Web site. So you will have to tell me whether you want  
12 to call that inter or intra.

13 Q. You mean a public library?

14 A. Yes.

15 Q. I don't know. You're a computer specialist,  
16 not me. I don't know what that would be considered.

17 Maybe it's a secure Web site of some sort?

18 A. I would agree with that.

19 Q. In other words, it's not publicly accessible  
20 without a password?

21 A. I would agree with that.

22 Q. I'm guessing. I don't know. I have never done  
23 it.

24 A. It requires a user ID and a password.



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1 Q. But, in any event, is it Human Resources that  
2 would send you e-mails telling you there are policies and  
3 procedures out there?

4 A. Yes.

5 Q. They would give you the link to go to access  
6 those policies and procedures?

7 A. Yes.

8 Q. Sometimes you've gone and accessed those  
9 policies and procedures and read them?

10 A. Yes.

11 Q. You told me that there might be something about  
12 the bonus plan in the original compensation documents  
13 that you were provided?

14 A. There might be. I don't recall specifically.

15 Q. Might there also be references to the bonus  
16 plan in these compensation policies and procedures on the  
17 Internet or intranet, whatever it is, if you know?

18 A. I don't recall seeing that there. They're more  
19 benefit-oriented.

20 Q. You don't know one way or the other sitting  
21 here today?

22 A. I do not recall reading that on any Web page.

23 Q. Have you read anything about AMIP at all other  
24 than what you received when you first came over as a CSC



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1 employee?

2 A. I recall receiving a one-page document that  
3 said how it was calculated for one particular year.

4 Q. Let me just see if I understand what you're  
5 saying. You received some kind of documentation at the  
6 transition when you came over to CSC that had some kind  
7 of language about the bonus plan, correct?

8 A. I believe so. I can't specifically tell you  
9 about a document that I read.

10 Q. Do you know what that document said about the  
11 bonus plan?

12 A. I recall it might have told me what the letters  
13 stand for, for example.

14 Q. It named the plan, the AMIP plan?

15 A. That there is a plan, right.

16 Q. It called it the AMIP plan?

17 A. Right.

18 Q. It told you what each of those letters stood  
19 for you think?

20 A. I think.

21 Q. Other than that, do you recall it saying  
22 anything else?

23 A. No.

24 Q. In addition to that, you're saying you received



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1 a one-page document at some point during your employment  
2 that was a worksheet?

3 A. No. I wouldn't call it -- was it a worksheet.  
4 I don't know what that means.

5 Q. What was the one-page document you're referring  
6 to, then?

7 A. It was a report of how my bonus was calculated.

8 Q. You want to call it a report?

9 A. I don't fill in anything.

10 Q. Other people fill it in.

11 A. It came off the computer. Came off a computer  
12 system.

13 Q. I assume it has boxes with numbers that go into  
14 the boxes.

15 A. Correct.

16 Q. You didn't fill in those numbers, somebody else  
17 did?

18 A. Somewhere.

19 Q. Can we call that a worksheet? Just makes it  
20 easier to understand what it is.

21 A. Yes.

22 Q. When did you receive that worksheet?

23 A. I don't recall when I saw it, what year it was.  
24 I just recall seeing it.



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B-0672



1 Q. You have no idea which year it was?

2 A. I can guess.

3 Q. What's your best estimate as to when you  
4 received that?

5 A. 2001.

6 Q. Do you know when in 2001?

7 A. No.

8 Q. This worksheet that you received, this was a  
9 completed worksheet, meaning the numbers for the actual  
10 achievement towards the objectives were filled in?

11 A. Yes.

12 Q. So this would have been the calculation for how  
13 your AMIP bonus was calculated that particular year?

14 A. Yes.

15 Q. That's the only time you received one of these  
16 worksheets?

17 A. I only recall receiving one.

18 Q. You might have received others, you just don't  
19 recall?

20 A. Correct.

21 Q. Other than that worksheet and maybe other  
22 worksheets if they did get sent to you, and other than  
23 the one compensation document at the transition stage,  
24 are you aware of any other documents that talk about the



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1 AMIP plan?

2 A. I think I also once saw -- the sheet I referred  
3 to earlier was the one that had my name at the top that  
4 said here's how my bonus was calculated. I also recall  
5 seeing a generic page that said here's how everybody's  
6 AMIPs will be calculated this year, the weightings of  
7 different categories.

8 Q. You saw a completed worksheet for yourself?

9 A. Correct.

10 Q. You think it was in the year 2001. And you saw  
11 a generic worksheet for which year was that?

12 A. I do not know.

13 Q. What's your best estimate?

14 A. 2002.

15 Q. Again, you think you only saw one of those?

16 A. That's what I recall.

17 Q. Are you aware of any other documents or have  
18 you seen any other documents that refer or relate to  
19 AMIP?

20 A. Not that I recall.

21 Q. The reason you think you're entitled to an AMIP  
22 payment for that period of time in 2003 that we have  
23 talked about is because you had received prior AMIP  
24 payments since you came over to CSC.



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B-0674

1 A. Correct.

2 Q. That is, you assumed you would continue to  
3 remain eligible for any AMIP payment because nobody had  
4 told you otherwise.

5 A. Correct.

6 Q. You assumed that, if you were no longer  
7 eligible, somebody would tell you you're no longer  
8 eligible.

9 A. Correct.

10 Q. We have been talking about the word "AMIP."  
11 AMIP is the bonus plan that we're talking about, correct?

12 A. Correct.

13 Q. Do you know what the letters of AMIP stand for?

14 A. I believe it stands for Annual Management  
15 Incentive Program, but I'm not sure.

16 Q. Tell me how AMIP works.

17 A. You mean the last time I received it how it  
18 worked?

19 Q. Yes.

20 A. Because I don't know how it works today.

21 Q. Right. During the period that you received it,  
22 tell me how AMIP worked.

23 A. It worked differently different years.

24 Q. Explain that to me.



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1       A.       My recollection is that first the program  
2 worked on a combination of corporate or group goals and  
3 personal objectives. And I can recall having personal  
4 objectives and that was on the worksheet I received. My  
5 personal objectives were listed with weights next to them  
6 and how much they count towards the bonus. That's how I  
7 believe it started for me.

8               The last year I received it there were no  
9 personal objectives anymore. So it was all corporate or  
10 group goals.

11       Q.       If I understand you correctly, what you're  
12 saying is the AMIP was a formula each year for how the  
13 bonus would be calculated?

14       A.       Yes.

15       Q.       It wasn't a straight percentage, it was a  
16 percentage that was calculated based upon different  
17 factors?

18       A.       My total was the same, but the weightings  
19 within that total would change.

20       Q.       When you say your total, you mean your total  
21 maximum bonus percentage?

22       A.       I'm not sure that the word "maximum" would  
23 apply because the formulas allowed for you to receive  
24 more than that. So you might call it a target number.



1 Q. Your target percentage bonus stayed the same  
2 year to year?

3 A. No.

4 Q. That changed over time?

5 A. I started at one number and was promoted and  
6 raised to another number.

7 Q. What number did you start at?

8 A. I started at 10 percent and then I went to  
9 22 percent.

10 Q. When did you go from 10 percent to 22 percent?

11 A. I will have to guess around 2000.

12 Q. Why did you go up in percentage?

13 A. Because my manager told me you are now being  
14 promoted to this level and this percentage.

15 Q. What was the level you were being promoted to?

16 A. I went from a level 5 to a level 6.

17 Q. So your target changed in terms of your target  
18 percentage, correct?

19 A. Correct.

20 Q. In addition to the target changing, the factors  
21 of the bonus would change year to year?

22 A. Correct.

23 Q. I guess there were three categories of factors.  
24 One category was corporate objectives?



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B-0677

1 A. Could I hear all three --

2 Q. Was that one category of factors, corporate  
3 objectives?

4 A. Okay.

5 Q. Yes?

6 A. I don't know that they're called corporate  
7 objectives.

8 Q. What did you call --

9 A. Have objectives based on different levels of  
10 the organization. Whether one of them applied to the  
11 whole corporation or not, I don't recall.

12 Q. Weren't some of these things like earnings per  
13 share?

14 A. Yes.

15 Q. Doesn't that apply to the whole corporation?

16 A. Again, I don't know what happens in Europe and  
17 Asia and Africa, whether that's another corporation. I  
18 don't know that.

19 Q. CSC has an earnings-per-share figure. You're  
20 aware of that, right?

21 A. Okay.

22 Q. You're aware of that, correct?

23 A. No, I'm not aware of that.

24 Q. You know CSC has a stock price?



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1 A. Yes.

2 Q. You've reviewed that stock price periodically?

3 A. Yes.

4 Q. You understand that that stock price is used to  
5 calculate a figure called earnings per share, correct?

6 A. Okay.

7 Q. Am I correct or incorrect in that?

8 A. I do not claim expertise in how these numbers  
9 are calculated. So I can't tell you that you're correct  
10 or incorrect.

11 Q. You don't know how earnings per share is  
12 calculated?

13 A. I do not know exactly how that's calculated.

14 Q. Do you know generally how it's calculated?

15 A. Yes.

16 Q. Take the earnings and you divide it by the  
17 number of shares, right, generally?

18 A. Yes.

19 Q. That's a corporate objective, right?

20 A. Yes. I would call that a corporate objective.

21 Q. Fair enough. So that's one category, corporate  
22 objectives, right?

23 A. Right.

24 Q. Second category might be group objectives?



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B-0679

1 A. Right.

2 Q. That group might be for the Chemical Group?

3 A. Correct.

4 Q. And then there's a third category, at least for  
5 some years, personal objectives, correct?

6 A. Correct.

7 Q. Some years there might not be personal  
8 objectives, some years there would be personal  
9 objectives.

10 A. It was more like from 1997 till some point  
11 there were personal objectives and then after that there  
12 weren't any. It wasn't a year-to-year. The policy was  
13 that and now the policy is this.

14 Q. When you say "policy," you haven't told me that  
15 you have seen any policy.

16 A. I have seen the sheets that I have told you I  
17 saw that showed how the numbers are calculated.

18 Q. For you, you only saw one sheet is what you  
19 said.

20 A. Correct.

21 Q. Maybe this is all speculation since you don't  
22 know how it was calculated in the other years. Is that  
23 right?

24 A. I know what my management has told me and that



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1 is what they told me.

2 Q. They told you that some years personal  
3 objectives were included, some years they were not  
4 included?

5 A. Correct.

6 Q. Within each of these categories different  
7 factors are used?

8 A. Yes.

9 Q. Just as an example, in the corporate  
10 objectives, some years earnings per share might be a  
11 factor?

12 A. Yes.

13 Q. Some years the earnings per share might not be  
14 a factor?

15 A. Could be.

16 Q. And some years operating income could be a  
17 factor?

18 A. Okay. I don't know what that is.

19 Q. Or revenue could be a factor?

20 A. Okay.

21 Q. Is that right?

22 A. Yes. I have seen these words.

23 Q. And some years operating expenses could be a  
24 factor.



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B-0681

1 A. I don't recall that.

2 Q. Or return on investment, that could be a  
3 factor.

4 A. I definitely recall seeing the letters ROI.

5 Q. What are some of the other factors from a  
6 corporate-objective standpoint that you're aware of?

7 A. From a corporate standpoint? I cannot give you  
8 any others.

9 Q. So those factors might change year to year.

10 A. Yes.

11 Q. In the group targets, what were some of the  
12 group targets, and how did they change year to year?

13 A. Group objectives would look like we want to  
14 achieve CMM level 3. So as an organization, we want to  
15 get certified that we meet these criteria. There would  
16 be some mention of we want to have some measure of  
17 business.

18 Q. Revenue?

19 A. Revenue.

20 Q. Market share?

21 A. No. It would be more like revenue. I don't  
22 recall anything that looked like market share.

23 Q. So the group objectives could change year to  
24 year?



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B-0682

1 A. Yes.

2 Q. Some years group revenue might be a factor,  
3 some years group revenue might not be a factor?

4 A. Yes.

5 Q. And then what were some of the personal  
6 objectives year to year for you?

7 A. Do you want type or examples?

8 Q. Yes, examples.

9 A. One example was that I would document a  
10 procedure and install it in the knowledge repository. So  
11 this is an example where I would demonstrate that I have  
12 learned how to do something or developed a procedure for  
13 how to do something, and I would document it and make  
14 that documentation available to everybody.

15 Q. Give me some other examples.

16 A. I have had objectives that look like I will  
17 teach so many courses. Objectives that read things like  
18 I will serve as a mentor to younger employees. Those are  
19 some examples of what I recall.

20 Q. Those objectives are consistent with your job  
21 duties and responsibilities?

22 A. Yes.

23 Q. In addition to the objectives changing year to  
24 year, I gather the targets would also change; that is,



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1 even if revenue was the same factor that was used in 1999  
2 as in 2000, the target for revenue one year would be  
3 different than the target for revenue the next year.

4 A. The target would be different each year.

5 Q. That would be true for all of the factors that  
6 were used, whether it be earnings per share, revenue,  
7 expenses?

8 A. Yes.

9 Q. And then, in addition to the targets changing,  
10 the weightings would also change, right?

11 A. Yes.

12 Q. How much each of these factors was valued in  
13 terms of the overall calculation to achieve the AMIP  
14 bonus was changing?

15 A. Yes.

16 Q. So sometimes revenue might be worth 10 percent  
17 towards the total calculation, other years it might be  
18 25 percent.

19 A. I would say yes, but I wouldn't agree that the  
20 numbers would vary that much.

21 Q. Might be 10 percent or 15 percent?

22 A. More like 10 versus 11.

23 Q. Some years personal objectives might be  
24 15 percent of the overall calculation, other years they



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B-0684

1 might be 25 percent of the overall calculation.

2 A. Yes.

3 Q. The fiscal year ran from April 1 of the year  
4 through March 31 of the following year, correct?

5 A. Correct.

6 Q. Just so we're clear and just as an example,  
7 fiscal year 2002 would be the period of time from  
8 April 1, 2001, through March 31, 2002.

9 A. I believe that's correct.

10 Q. At some point during that year you would  
11 receive some explanation as to how the AMIP would be  
12 calculated, correct?

13 A. I did not always receive an explanation.

14 Q. Are you saying during the fiscal year you  
15 wouldn't receive an explanation or even after the fiscal  
16 year when you received your AMIP, you might not receive  
17 an explanation?

18 A. I believe a whole year has gone by and I have  
19 gotten a check and never got an explanation of anything.

20 Q. There is at least one year, maybe multiple  
21 years, where the entire fiscal year has occurred, you got  
22 to the end of the year, you received a check, and nobody  
23 explained to you what that check was for or how it was  
24 calculated?



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B-0685

1 A. Nobody explained it to me formally by handing  
2 me a document.

3 Q. So somebody might have explained it to you  
4 verbally?

5 A. Yes.

6 Q. How did they explain it to you verbally?

7 A. They might have made a comment like it's the  
8 same as last year would be a comment that would let me  
9 know what the objectives were.

10 Q. Was that during the year or once your check had  
11 been cut that they would come to you and say this?

12 A. I would say it's before the checks are cut.

13 Q. But after the close of the fiscal year?

14 A. No. It would have been during the period --

15 Q. During the fiscal year?

16 A. Yes.

17 Q. Let me ask you: Were there any years where you  
18 received no explanation at all, verbally or in writing,  
19 or did you always receive some explanation for how this  
20 was going to be calculated?

21 A. I think I always got some type of explanation.

22 Q. And sometimes that was in writing through one  
23 of these worksheets?

24 A. Correct.



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B-0686

1 Q. And sometimes that was verbally from your  
2 manager?

3 A. Correct.

4 Q. Who was your manager who would say this to you?

5 A. Debbie Cebula.

6 Q. When did she start being your manager?

7 A. I have to guess around 2000.

8 Q. Ms. Cebula would typically come to you in this  
9 October/November/December time frame and tell you this is  
10 how the AMIP is going to be calculated?

11 A. The typical conversation would be during a  
12 performance appraisal.

13 Q. When are performance appraisals done? February  
14 time frame?

15 A. We're starting the process right now. So  
16 February/March time frame.

17 Q. Let's just give an example of, let's say, the  
18 fiscal year 2001 -- or 2002. Let's say 2002. You said  
19 you think you received the worksheet in 2001. Let's do  
20 the 2002 fiscal year just as an example.

21 You think that maybe Ms. Cebula would have  
22 come to you in February of 2002 and said this is how the  
23 AMIP is going to be calculated this fiscal year, and then  
24 that would be during your performance review period.



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B-0687

1 A. Yes.

2 Q. Then the fiscal year would end a couple of  
3 months later?

4 A. We would be -- if we're discussing this in  
5 February or March, it would be for the next fiscal year.

6 Q. This is before the fiscal year started?

7 A. Yes.

8 Q. You would be talking about the expectations  
9 regarding how it would be calculated for the following  
10 fiscal year?

11 A. Yes.

12 Q. How could she do that if the financial results  
13 of the company had not yet been -- the books hadn't been  
14 closed on that fiscal year?

15 A. How can she have a general discussion?

16 Q. I don't know. What was the discussion like?  
17 Was she telling you what the operating income targets  
18 would be?

19 A. The discussion would be I'm asking my manager  
20 what do I need to do to receive my bonus next year, and  
21 she would give me an answer.

22 Q. The answer she was giving you was just keep  
23 doing the work you're doing?

24 A. I can recall answers similar to that. She



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1 would give me a specific answer as she could.

2 Q. Did she ever get into with you the details of  
3 how this would be calculated and the metrics that would  
4 be used and the targets?

5 A. At one point that's why I got paper because I  
6 asked the question.

7 Q. After that did you ever get any more detail  
8 from her?

9 A. At each year's performance appraisal, we would  
10 discuss what are the objectives that I need to be aware  
11 of for the coming year.

12 Q. Tell me about those discussions. What did she  
13 tell you other than continue doing what you're doing?

14 A. I don't recall.

15 Q. You don't recall anything she said to you at  
16 any of these times when she discussed the AMIP with you?

17 A. I don't recall any more specifics that I can  
18 give you.

19 Q. Other than what?

20 A. Other than keep doing what we're doing and  
21 other objectives will be given to you as we get them.

22 Q. Then she never gave you any further objectives.

23 A. I can't say she never did. I can recall being  
24 sent an e-mail about this is our group's objectives and



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1 we actually would put them into the system where we're  
2 supposed to put objectives. So I can recall doing that  
3 because I received an e-mail from her.

4 Q. But she never explained how those group  
5 objectives related to the AMIP.

6 A. I do not recall her explaining the detailed it  
7 will be this percent of this number. We did not have  
8 those kind of detailed discussions.

9 Q. Is it fair to say that, each year you received  
10 the AMIP other than the year that you received the  
11 worksheet, precisely how the AMIP was calculated was not  
12 known to you?

13 A. Correct.

14 Q. In other words, you didn't know the details of  
15 the formula?

16 A. I did not always know the details of the  
17 formula.

18 Q. Am I correct that the only time you knew that  
19 was when you received the worksheet?

20 A. I received a specific worksheet and I also  
21 received a general worksheet, and I don't recall whether  
22 they were for the same time period.

23 Q. And the general worksheet, you don't know if  
24 that's how yours was calculated. Let's say it was a



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B-0690

1 different year.

2 A. If it was a different year, I have nothing to  
3 say that that was actually used.

4 Q. Who gave you the general worksheet, by the way?

5 A. I do not recall.

6 Q. Is it fair to say that nobody received AMIP  
7 bonuses during the course of a fiscal year?

8 A. I do not know that.

9 Q. Are you aware of anybody that received an AMIP  
10 bonus during the course of a fiscal year?

11 A. I'm not aware of anyone.

12 Q. As far as you know, AMIP bonuses were always  
13 paid out after the close of a fiscal year.

14 A. That's all I know.

15 Q. And the reason for that is it takes time for  
16 the company to evaluate the financial and other  
17 objectives of the company to see whether or not the terms  
18 of the AMIP have been met and how much needs to be paid  
19 out.

20 A. That would be my assumption of why it takes  
21 that long.

22 Q. AMIP payments were generally paid out in the  
23 May/June time frame?

24 A. That sounds correct.



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B-0691

1 Q. And the year that you were removed from AMIP in  
2 fiscal year '04, you never received a worksheet that  
3 year, correct?

4 A. I don't recall seeing any sheets.

5 Q. By the way, are you aware of anybody ever  
6 receiving a prorata AMIP bonus?

7 A. I am not aware of a specific person. I seem to  
8 recall people telling me that that happens.

9 Q. Who told you that?

10 A. I don't recall.

11 Q. I may have asked you this, but what is your  
12 current position?

13 A. I program.

14 Q. Who is your supervisor currently?

15 A. My staff manager is still Debbie Cebula.

16 Q. What does that mean, staff manager?

17 A. That means the manager responsible for subjects  
18 like compensation, but she doesn't get involved in the  
19 day-to-day work.

20 Q. Did you receive salary increases each year you  
21 have been with CSC?

22 A. I think so. I know there's been years where I  
23 didn't get a pay increase, but I'm thinking that was back  
24 during DuPont. So I don't recall exactly which year.



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B-0692

1 Q. The first notification you had that you were no  
2 longer eligible for AMIP came in this September 11th,  
3 2003, letter, correct?

4 A. No.

5 Q. When did the first notification?

6 A. I got a phone call from Debbie Cebula.

7 Q. Tell me about that conversation.

8 A. She said that I was being removed from the AMIP  
9 program.

10 Q. She called you?

11 A. She called me.

12 Q. Where is your work location?

13 A. At Barley Mill Plaza.

14 Q. Is that where Debbie is?

15 A. No.

16 Q. Where is she?

17 A. She's in -- I think she sits over in New Jersey  
18 now.

19 Q. When did she call you?

20 A. I would say a day or two before I got the  
21 letter.

22 Q. Did she tell you why you were being removed?

23 A. Her comment was that everyone below level 8 was  
24 being removed.



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B-0693

1 Q. Did she say she was being removed, too?

2 A. She did not say those words.

3 Q. Did she tell you anything else?

4 A. On this subject?

5 Q. During that conversation.

6 A. I don't recall anything else being discussed.

7 Q. Did you say anything to her?

8 A. Yes.

9 Q. What did you say?

10 A. I probably expressed an opinion of  
11 disappointment of some type. I don't recall --

12 Q. Do you recall what you said?

13 A. I don't recall the exact words.

14 Q. But you were clearly disappointed?

15 A. Yes.

16 Q. You said this is wrong or I'm disappointed?

17 A. Yes.

18 Q. Something to that effect.

19 A. Yes.

20 Q. She said what?

21 A. I don't recall.

22 Q. Do you recall anything else about the  
23 conversation?

24 A. No.



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B-0694

1 Q. Did she say you will be getting a letter  
2 confirming this?

3 A. I recall her saying something will follow, yes.

4 Q. Then shortly thereafter, maybe a day or two,  
5 you received a letter?

6 A. Yes.

7 (Deposition Exhibit No. 40 was marked for  
8 identification.)

9 BY MR. SEEGULL:

10 Q. I'm now showing you what's been marked  
11 Exhibit 40. Do you recognize this?

12 A. Yes.

13 Q. This is the letter that we have been talking  
14 about?

15 A. Yes.

16 Q. This is the letter that was given to you on or  
17 about September 11th, 2003, telling you that you were no  
18 longer eligible for AMIP, correct?

19 A. Yes.

20 Q. Do you know who gave this to you?

21 A. I don't recall.

22 Q. Did you receive it in person or through the  
23 mail?

24 A. I don't recall.



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1 Q. You understood from this letter that your AMIP  
2 eligibility was terminated as of that moment?

3 A. I understood that I would not be receiving a  
4 check at the end of that fiscal year.

5 Q. You also were told that you would now be  
6 eligible for a discretionary bonus, correct?

7 A. That's what this letter says.

8 Q. That's what you understood.

9 A. I understood that that's what this letter says.

10 MR. SEEGULL: Can you repeat the question?

11 (The reporter read back as instructed.)

12 THE WITNESS: Correct. The letter says  
13 that.

14 BY MR. SEEGULL:

15 Q. That's what you understood, that you would now  
16 be eligible --

17 A. I did not understand that. I read that.

18 Q. Were you confused by what the letter said?

19 A. Correct.

20 Q. Why were you confused?

21 A. The letter does not tell me how, when, the  
22 criteria for how this bonus will be distributed.

23 Q. The discretionary bonus?

24 A. Correct.



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1 Q. All it says is it's discretionary.

2 A. Yes.

3 Q. But you understood that at least you would have  
4 the opportunity to earn a discretionary bonus even if you  
5 didn't understand what it would take to earn it?

6 A. No, I did not believe that.

7 Q. What do you mean?

8 A. I don't believe I will ever see a dime of that  
9 money.

10 Q. Why is that?

11 A. I would say the fact it's now been more than a  
12 year and a half since I asked how this program will work  
13 and no one will answer the question.

14 Q. The discretionary bonus program?

15 A. That's correct.

16 Q. You understand that there are employees that do  
17 get discretionary bonuses, correct?

18 A. I do not understand that.

19 Q. You're not aware of anybody that's ever  
20 received a discretionary bonus?

21 A. I have no personal knowledge of that.

22 Q. In any event, you understood that it's the  
23 company's policy that you don't get both a discretionary  
24 bonus and an AMIP. You're eligible for one or the other,



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1 correct?

2 A. I have no understanding of that.

3 Q. You don't know one way or the other?

4 A. I do not know.

5 (Deposition Exhibit No. 41 was marked for  
6 identification.)

7 BY MR. SEEGULL:

8 Q. Mr. Folwell, I'm now showing you what's been  
9 marked Exhibit 41. Do you recognize this?

10 A. Yes.

11 Q. What is it?

12 A. I was asked why I didn't sign the letter, and  
13 this is my response.

14 Q. At first you refused to sign Exhibit 40.

15 A. Is this 40? Correct.

16 Q. And why did you refuse to sign it?

17 A. If I can read this to you, this is my  
18 explanation at the time of why I did not sign it.

19 Q. Instead of reading it to me, why don't you just  
20 tell me in your own words.

21 A. I would put it as I did not understand what it  
22 meant to sign it and there was no instructions on what to  
23 do after I signed it. Who to send it to, for example,  
24 what to do with it.



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B-0698

1 Q. You could have asked somebody.

2 A. I could have asked somebody, that's correct.

3 Q. You didn't do that?

4 A. I did not do that.

5 Q. Is it true you never signed the letter?

6 A. That's correct.

7 Q. But you're not denying that you received it?

8 A. I'm not denying that I received it.

9 Q. Who is William Cummings?

10 A. He was my boss's boss at the time, I believe.

11 Q. Debbie Cebula's boss?

12 A. Yes.

13 Q. You wrote in this e-mail that you sent to  
14 Mr. Cummings on December 4th that "There are other issues  
15 with the letter that I consider to be at the least  
16 misstated, at the most, unethical."

17 Do you see that?

18 A. Uh-huh.

19 Q. Yes?

20 A. Yes.

21 Q. You wrote that?

22 A. Yes, I did.

23 Q. What did you mean by that?

24 A. The letter says this is to inform you that CSC



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B-0699

1 has reviewed your eligibility. I believe that's an  
2 incorrect statement.

3 Q. What do you mean?

4 A. They did not review my eligibility. They told  
5 me that everybody below this level. Nobody looked at me  
6 personally and said I'm not eligible.

7 Q. They looked at your level personally.

8 A. I'm giving you my answer. Do you want to argue  
9 or do you want my answer? That is my answer.

10 Q. Isn't it the case that they looked at your  
11 level personally?

12 A. No.

13 Q. Somebody had to say what level you were, right?

14 A. I don't know what somebody did. I don't even  
15 know who somebody is.

16 Q. Your annual performance reviews have nothing to  
17 do with this case, correct?

18 A. I disagree.

19 Q. What could they have to do with this case?

20 A. They are related to this case in that your  
21 annual performance review would be the mechanism to  
22 determine whether you met your personal objectives for  
23 the previous period.

24 Q. But in this case nobody's asserting whether you



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B-0700

1 did or did not meet personal objectives, correct?

2 A. I have not heard that.

3 Q. If that's the case, then your performance  
4 reviews have nothing to do with this case, right?

5 A. They have not yet.

6 Q. Obviously the reason you were removed from  
7 AMIP, as you said, had nothing to do with your  
8 performance; it had to do with your level.

9 A. That's my understanding.

10 Q. Did you ever report unethical behavior to any  
11 company official?

12 A. Yes.

13 Q. Who did you report it to?

14 A. Do you mean specifically to this topic or any  
15 topic?

16 Q. Any topic.

17 A. On a previous project I was on, I believe two  
18 people engaged in unethical behavior and I reported it to  
19 their manager.

20 Q. What kind of unethical behavior?

21 A. There's a procedure where you're supposed to  
22 get programs reviewed and I believe neither one of them  
23 looked at what they reviewed and signed a document that  
24 said they did.



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B-0701

1 Q. Have you ever reported any other unethical  
2 behavior?

3 A. Yes.

4 Q. When was that?

5 A. 2003, 2004. I don't recall exactly.

6 Q. What was the unethical behavior that you  
7 reported?

8 A. I reported that the removal of DuPont employees  
9 from AMIP's plan was unethical.

10 Q. Who did you report that to?

11 A. To the Ethics Help Line.

12 Q. The hotline?

13 A. Hotline, yes.

14 Q. What did you consider to be unethical about  
15 that?

16 A. That the employees were grandfathered access to  
17 the bonus program.

18 Q. That's it?

19 A. Yes, that's it.

20 Q. How do you go about reporting to an ethics  
21 hotline?

22 A. You pick up the phone and call them.

23 Q. Is it a voice recording?

24 A. A person answers the phone.



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B-0702

1 Q. You just tell them your concern and then they  
2 take notes?

3 A. I don't know what they do with it. They  
4 apparently do nothing because I never got a response.

5 Q. Did you give your name when you reported it?

6 A. Yes.

7 Q. You reported your name?

8 A. Yes.

9 Q. What name did you use?

10 A. My name.

11 Q. Charles Folwell?

12 A. Correct.

13 Q. You didn't go by the initials EWD?

14 A. I called up this phone and I did not go by any  
15 initials. I talked to I think the name was Tom and I  
16 told him who I am.

17 Q. Did you ever submit anything in writing?

18 A. Yes.

19 Q. To the ethics hotline?

20 A. Yes.

21 Q. When you submitted it in writing, did you do so  
22 anonymously?

23 A. No.

24 Q. Never used a pseudonym of any sort?



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1           A.       No. I talked to them on the phone and I said I  
2 would like to fax it to you and he gave me a fax number  
3 and I faxed it to him.

4                   (Deposition Exhibit No. 42 was marked for  
5 identification.)

6 BY MR. SEEGULL:

7           Q.       Mr. Folwell, I'm now showing you what has been  
8 marked Exhibit 42. Do you recognize this?

9           A.       Yes.

10          Q.       What is it?

11          A.       It's the report I made to the ethics hotline.

12          Q.       Do you see that your name is anywhere on this  
13 report?

14          A.       No, I do not see my name in this report.

15          Q.       Do you see on the second page, the first full  
16 sentence, it says, "To remain anonymous, I shall go by  
17 the initials EWD"?

18          A.       Okay.

19          Q.       Did you write that?

20          A.       I wrote -- yes.

21          Q.       Isn't it true that you did report this  
22 anonymously?

23          A.       No, that's not true.

24          Q.       Why is that not true?



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B-0704



1           A.     The ethics hotline allows employees -- it's  
2     described that you can call this and make anonymous  
3     reports. The person you're talking to knows who you are,  
4     but it doesn't necessarily imply that the behavior you're  
5     reporting -- that if I'm going to report you for  
6     behavior, you won't necessarily know who the report came  
7     from. So I'm not anonymous with the person on the ethics  
8     hotline. I'm following their procedure which says I can  
9     make an anonymous report.

10          Q.     That's what you did, you wanted to make an  
11     anonymous report?

12          A.     That's correct. I followed CSC's procedure to  
13     do that.

14          Q.     You made this report in May of 2004?

15          A.     That sounds correct. That's the date on the  
16     document, and I would tend to agree with that date.

17          Q.     Is it fair to say you were pretty angry when  
18     you wrote this?

19          A.     Yes.

20          Q.     Why did you wait until May of 2004 to write  
21     this?

22          A.     I don't recall why I waited.

23          Q.     You also sent an e-mail to Mr. Sperati and  
24     Ms. Cebula, correct?



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B-0705

1 A. Yes.

2 Q. And do you remember what that e-mail said?

3 A. It said something along the lines of I have  
4 received a letter about a potential lawsuit and wanted to  
5 let them know that this was going on.

6 Q. So were you soliciting them to join the  
7 lawsuit?

8 A. I was informing them that this was happening.  
9 No, I would not use the word "soliciting them to join."  
10 I wanted to make sure they were aware.

11 Q. Did you discuss it with Ms. Cebula at all?

12 A. No.

13 Q. You encrypted the e-mail?

14 A. I believe the computer system encrypts every  
15 e-mail. I didn't do anything special for that e-mail.

16 MR. SEEGULL: Off the record.

17 (Discussion off the record.)

18 BY MR. SEEGULL:

19 Q. How much are you claiming in damages in this  
20 case?

21 A. Twenty-two percent of my salary at the time  
22 divided by half for half the year, then multiplied by  
23 two, in accordance with Delaware law for the penalty,  
24 plus expenses.



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B-0706

1 Q. How much is that in total damages?

2 A. I don't know.

3 Q. Put aside any penalties or interest or fees.

4 Just how much are you claiming you're owed in terms of an  
5 AMIP bonus?

6 A. Twenty-two percent of my salary at the time,  
7 which was about \$112,000 divided by two.

8 Q. So is it fair to say 11 percent of your salary?

9 A. Yes.

10 Q. Your salary at the time you said was how much?

11 A. I think it was around \$112,000. I have to go  
12 back and look.

13 Q. What's 11 percent of \$112,000?

14 A. Ten percent would be \$11,000. So it's about  
15 12 and a half thousand dollars.

16 Q. In your interrogatory answer you said that you  
17 estimate your damages at \$12,298.23. Does that sound  
18 correct?

19 A. That sounds correct.

20 Q. That is the amount that you claim you're  
21 entitled to be paid for the AMIP bonus for April 1, 2003,  
22 through September 11th, 2003?

23 A. Correct.

24 Q. That's just an estimate?



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B-0707

1 A. Correct.

2 Q. And the reason you have to estimate is because  
3 you don't know exactly how much the AMIP would have been?

4 A. Correct.

5 Q. You can't know that because you were never  
6 provided a worksheet for that year?

7 A. Correct.

8 Q. There are other ways you could have estimated  
9 the amount of your AMIP bonus, correct?

10 A. Yes.

11 Q. You could have taken the average of your AMIP  
12 bonuses for prior years.

13 A. I could have.

14 Q. Why didn't you do that?

15 A. I believe I was providing an estimate and the  
16 proper thing to do is to find out what the number was and  
17 use that.

18 Q. In your calculation of your damages, you're  
19 assuming that the full bonus was paid out, correct?

20 A. I'm providing an estimate, and I recognize that  
21 at the end of the fiscal year the actual number would be  
22 known.

23 Q. But in your estimate you are assuming that the  
24 full bonus was paid out?



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B-0708

1 A. Since the bonus can be more than 22 percent, I  
2 don't know the definition of "full."

3 Q. The full target.

4 A. The full target, correct. As an estimate.

5 Q. Was paid out?

6 A. Correct.

7 Q. You would agree that the company is entitled to  
8 use its business judgment to determine the best way to  
9 save money and increase profits?

10 A. Generally, yes.

11 Q. You would agree that the company has the right  
12 to make sufficient decisions to save money, including  
13 reducing people's bonuses?

14 MR. WILSON: Object to form.

15 A. Yes.

16 Q. You just don't think that you should have been  
17 removed from AMIP, correct?

18 A. I disagree.

19 Q. You think you should have been removed from  
20 AMIP?

21 A. I think I should have been removed from AMIP in  
22 a different way.

23 Q. You don't have a problem with the company  
24 removing you from AMIP. You have a problem that they



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B-0709

1 didn't pay you for the period that you believe you were  
2 eligible during that year?

3 A. I don't have a legal problem. That's correct.

4 Q. Do you know how long it took for the company to  
5 make the decision to remove people from AMIP?

6 A. No.

7 Q. Do you know why the company made the decision  
8 it did to change AMIP eligibility?

9 A. No.

10 Q. Have you talked to anybody in Human Resources  
11 about this case?

12 A. I don't believe so.

13 Q. Have you talked to anybody about your removal  
14 from AMIP other than the other plaintiffs that we have  
15 talked about and the short conversation you had with  
16 Debbie Cebula on the telephone?

17 A. Yes.

18 Q. Who else have you spoken to?

19 A. Friends.

20 Q. Friends outside of CSC?

21 A. Yes.

22 Q. Anybody else?

23 A. I don't recall anybody else.

24 Q. The friends that you have spoken to outside of



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B-0710

1 CSC, they don't have any personal knowledge about this  
2 case.

3 A. Not that I know of.

4 Q. Have you received any written statements or  
5 have any witnesses given statements in connection with  
6 this case, as far as you know?

7 A. You mean other than the people in the lawsuit?

8 Q. Other than the plaintiffs.

9 A. I don't have any knowledge.

10 Q. Who do you believe has personal knowledge of  
11 the facts related to this lawsuit other than the  
12 plaintiffs?

13 A. I guess, for example, obviously somebody told  
14 Debbie Cebula that this was happening. I don't know who  
15 told her. So I assume she has some knowledge of  
16 something I don't know. So I would assume every level of  
17 management up from me has some information I don't have.

18 Q. Anybody else?

19 A. No.

20 Q. By the way, who was the head of the Chemical  
21 Group during this period of time?

22 A. I don't recall.

23 Q. You were in the Chemical Group the entire  
24 time --



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B-0711

1 A. Yes.

2 Q. -- that you have been at CSC?

3 A. Yes.

4 (Deposition Exhibit No. 43 was marked for  
5 identification.)

6 BY MR. SEEGULL:

7 Q. Mr. Folwell, I'm now showing you what's been  
8 marked Exhibit 43. This is one of the worksheets we were  
9 talking about, correct?

10 A. Correct.

11 Q. Is this the one that was with your specific  
12 information or was this the general one?

13 A. You're assuming that I ever received this  
14 before?

15 Q. Have you ever received this before?

16 A. I don't know.

17 Q. Do you think you ever received this before or  
18 you're not sure?

19 A. I have seen a document that looks like this.  
20 I'm not sure I have seen this one for this year, for the  
21 year that's stated on here.

22 Q. I'm sorry. Can you just repeat that?

23 A. I have seen a document similar to this, but it  
24 may not have been this one because I think I saw it for a



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B-0712



1 different year.

2 Q. You think you saw it for fiscal year 2001?

3 A. That was my guess.

4 Q. As far as you know, you never saw this document  
5 before, Exhibit 43?

6 A. That's correct.

7 Q. Do you have any debts at the present time?

8 A. Yes.

9 Q. What debts do you have?

10 A. I have a mortgage on my home.

11 Q. Anything else?

12 A. I'm sure at the moment I have a credit card  
13 balance.

14 Q. Do you know how much that would be?

15 A. About \$2,500.

16 Q. Anything else?

17 A. No. I think I owe Sears \$100 from the credit  
18 card.

19 Q. How about cars?

20 A. No, I don't have any car loans.

21 Q. Are there any outstanding judgments against  
22 you?

23 A. No.

24 Q. Have you told me everything you know or



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B-0713

1 remember that forms the basis of your case?

2 MR. WILSON: Object to form.

3 MR. SEEGULL: Go ahead, you can answer.

4 A. I believe I have answered everything I know  
5 about your questions.

6 Q. Was there anything that I haven't asked you  
7 that you think is relevant to this case?

8 MR. WILSON: Same objection.

9 A. No.

10 Q. Is there anyone that you have not mentioned who  
11 can support your claims?

12 A. Other than the plaintiffs in the case?

13 Q. Right.

14 A. No.

15 Q. Is there any other information which you have  
16 not mentioned which you would consider to be related to  
17 the case?

18 MR. WILSON: Objection to form.

19 A. No.

20 MR. SEEGULL: Let me take a brief break.

21 (A recess was taken.)

22 MR. SEEGULL: I have no further questions  
23 at this time, Mr. Folwell. I think your attorney is  
24 going to have some questions for you.



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B-0714

1 (Deposition Exhibit No. 44 was marked for  
2 identification.)

3 BY MR. WILSON:

4 Q. Mr. Folwell, the court reporter has handed you  
5 what's been marked Exhibit 44. Can you take a minute and  
6 look at that? Let me know when you are done.

7 A. Okay. I have looked at it.

8 Q. Are your AMIP bonuses reflected on these  
9 sheets?

10 A. Yes.

11 Q. Can you tell me for what fiscal years they are  
12 for?

13 A. I believe they're for 2001, 2002, and 2003.

14 Q. The first sheet --

15 A. I'm a little confused about -- if I get a check  
16 in May 2001 -- what was your earlier definition of the  
17 fiscal year?

18 MR. SEEGULL: I think we all agree that the  
19 fiscal year runs from April through the end of March.

20 THE WITNESS: March 2001 is the end of  
21 fiscal year 2001, not fiscal year 2000.

22 BY MR. WILSON:

23 Q. Let's just do it this way: What's the pay date  
24 on this, the first sheet?



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B-0715

1 A. The pay date is May 18th, 2001.

2 Q. What's the amount of the bonus?

3 A. \$23,391.30.

4 Q. What's the pay date on the second sheet?

5 A. 5/31/2002.

6 Q. What's the amount of bonus on that?

7 A. \$19,851.57.

8 Q. And the pay date on sheet 3?

9 A. Is May 30th, 2003.

10 Q. And the amount of the bonus?

11 A. Is \$21,785.00.

12 Q. Do these amounts reflect your recollection of  
13 what your AMIP bonuses were for those years?

14 A. Yes.

15 Q. Did you have to perform certain functions or  
16 meet certain objectives to receive these bonuses?

17 MR. SEEGULL: Objection.

18 MR. WILSON: You can answer.

19 A. Yes.

20 Q. On the first sheet, 2001, what was the time  
21 period that you performed these functions or met these  
22 objectives?

23 MR. SEEGULL: Objection.

24 A. Would have been April 1st to March -- April



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B-0716

1 1st, 2000, to March 30th, 2001.

2 Q. For the bonus on the second sheet, for pay date  
3 5/31/2002?

4 A. Would have been April 1st, 2001, to March 30th,  
5 2002.

6 Q. And the same question for page 3?

7 A. April 1st, 2002, to March 30th, 2003.

8 Q. Beginning on April 1st, 2003, to  
9 September 11th, 2003, did you continue to perform the  
10 same functions as you had in these previous years?

11 A. Yes.

12 Q. Did CSC gain any benefit from this work?

13 MR. SEEGULL: Objection.

14 A. Yes.

15 Q. Did you earn a bonus from April 1st, 2003, to  
16 September 11th, 2003?

17 MR. SEEGULL: Objection.

18 A. Yes.

19 Q. You talked a little bit about your promotion  
20 from level 5 to level 6. I believe you indicated that  
21 you got an increase in the percentage of your AMIP bonus?

22 A. Correct.

23 Q. Was the increase automatic?

24 MR. SEEGULL: Objection. Calls for



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B-0717

1 speculation.

2 A. I don't understand "automatic."

3 Q. I believe you stated when you were at level 5,  
4 you were 10 percent and when you went to level 6, you  
5 were at 22 percent. Upon promotion, was the increase to  
6 22 percent automatic?

7 MR. SEEGULL: Objection. Calls for  
8 speculation.

9 A. I don't know whether -- I don't know what the  
10 rules are. I just know what I was told and what I was  
11 given.

12 Q. You also indicated that you had conversations  
13 in February or March regarding the upcoming year with  
14 your supervisor?

15 A. Correct.

16 Q. Did this conversation take place prior to  
17 fiscal year 2004, which would mean February or March of  
18 2003?

19 A. Yes.

20 Q. You were given objectives and expectations for  
21 the upcoming year?

22 MR. SEEGULL: Objection.

23 A. In one form or another.

24 Q. What do you mean by that?



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B-0718

1           A.       In previous years I have received written  
2 objectives and in some years I have just had verbal  
3 conversations.

4           Q.       Do you recall in that year whether it was oral  
5 or written?

6           A.       I would tend to think it was oral.

7           Q.       Do you have any recollection as to what those  
8 objectives were?

9           A.       No.

10          Q.       Did you endeavor to meet those objectives?

11          A.       Yes.

12          Q.       You also talked briefly about salary increases.  
13 Did you view your AMIP bonus as part of your total  
14 compensation?

15          A.       Yes.

16          Q.       As to damages, you stated how you calculated  
17 your damages. If you knew the percentage in 2004 of  
18 those who remained eligible in your group, what their  
19 percentage was of their AMIP bonus, if you knew that,  
20 could you make a more accurate calculation?

21                   MR. SEEGULL: Objection. Calls for  
22 speculation.

23          A.       Yes.

24                   MR. WILSON: That's all I have.



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B-0719

1 BY MR. SEEGULL:

2 Q. Mr. Folwell, turning to Exhibit 44, the bonuses  
3 that are listed on each of those three pay stubs, those  
4 reflect the earnings that were earned during that pay  
5 period?

6 MR. WILSON: Objection.

7 A. No.

8 Q. Let's look at the different pay stubs. Look at  
9 the first page. You said you received a bonus of  
10 \$23,391.30, correct?

11 A. Yes.

12 Q. You see where on the bottom it says total  
13 earnings for that pay period?

14 A. Are you pointing --

15 Q. Yes.

16 A. Yes.

17 Q. What does it show as your total earnings for  
18 that pay period?

19 A. \$27,500.42.

20 Q. So in the total earnings for that pay period it  
21 does reflect the AMIP bonus, correct?

22 A. The check that I received in this month  
23 reflects the AMIP bonus.

24 MR. SEEGULL: Can you read back the



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1 question?

2 (The reporter read back as instructed.)

3 THE WITNESS: The line that says "Total  
4 earn" does reflect the AMIP's bonus, that's correct.

5 Q. Your AMIP bonus that was paid during this  
6 period is earned in this period, according to this sheet?

7 MR. WILSON: Objection.

8 A. I did not say that.

9 Q. I'm asking you.

10 A. No, it does not say that.

11 Q. It doesn't show that it was earned during this  
12 pay period?

13 A. There's a line on this page that says t-o-t-a-l  
14 e-a-r-n and there's a number next to it and that is  
15 including the AMIP bonus.

16 Q. That means earnings. E-a-r-n stands for  
17 earnings?

18 A. We will have to get into the definition of  
19 "earnings."

20 Q. I didn't ask you to define "earnings." I'm  
21 asking if e-a-r-n means earnings.

22 A. E-a-r-n I believe on this document stands for  
23 the word "earnings."

24 Q. According to this document, your total earnings



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B-0721

1 for that pay period included your AMIP bonus, correct?

2 A. According to this document.

3 Q. And the same would be true for the next page?

4 A. Correct.

5 Q. The same would be true for the third page?

6 A. Correct.

7 Q. Do you have any other document anywhere in the  
8 world that you are aware of that shows that your AMIP  
9 bonus was earned in any other pay period?

10 MR. WILSON: Objection.

11 A. I don't have a document that has the word  
12 "earn" on it.

13 Q. Is the answer to my question no?

14 A. Can I hear the question again?

15 (The reporter read back as instructed.)

16 THE WITNESS: No, I don't have any other  
17 documents.

18 BY MR. SEEGULL:

19 Q. So the only document that exists that reflects  
20 when the AMIP bonus is earned is Exhibit 44, correct?

21 MR. WILSON: Objection.

22 A. This document exhibits when it was paid to me.

23 Q. And when it was earned, correct? We have  
24 already been through that.



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B-0722

1 A. No, that's not correct.

2 Q. It says "earnings," right?

3 A. That's what the document says.

4 Q. You said you have no other document that says  
5 when it's earned, correct?

6 A. I do not have any other documents, that's  
7 correct.

8 Q. So the only document that bears at all on when  
9 it's earned is Exhibit 44, correct?

10 MR. WILSON: Objection.

11 A. No.

12 Q. What other document bears on when it's earned?

13 A. There are none.

14 Q. Exhibit 44 obviously has something to say about  
15 it, correct?

16 A. Yes, it has something to say about it.

17 Q. There's no other document that has anything to  
18 say about it, correct?

19 A. Not that I have.

20 Q. I think you testified that there were no  
21 personal objectives included in the AMIP calculations for  
22 any year after about 2000?

23 A. If I said about 2000, I could have said that.  
24 I would guess it's more like 2001 maybe. I'm not sure.



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B-0723

1 Q. So that for the years at least for 2002, 2003,  
2 there were no personal objectives included in the AMIP  
3 calculation?

4 A. I'm just not sure how many years. I don't know  
5 the exact date.

6 Q. But it's at least two years?

7 A. I'm sure it wasn't the last year I received it.

8 Q. In the years --

9 A. I'm sure it was three years before that, but I  
10 don't know where in between.

11 Q. In the years for which there were no personal  
12 objectives that were used as a factor in calculating the  
13 AMIP bonuses, did you do anything to work towards the  
14 AMIP bonus other than your normal job?

15 A. No.

16 MR. SEEGULL: I have no questions. Thank  
17 you.

18 BY MR. WILSON:

19 Q. I just have a couple follow-ups.

20 During this pay period on the first sheet  
21 here, where it says that you were paid \$23,391 for your  
22 AMIP bonus, what did you do during that specific pay  
23 period to earn that much money?

24 MR. SEEGULL: Objection.



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